

SEP 26 2005

Attorney Docket No.: 6598.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeppesen et al.

Confirmation No.: 9137

Serial No.: 10/692,561

Group Art Unit: 1626

Filed: October 24, 2003

Examiner: Shiao, Rei Tsang

For: Novel Compounds, Their Preparation and Use

FACSIMILE CERTIFICATE OF TRANSMISSION
Via Facsimile No.: 571-273-8300

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Restriction Requirement (3 pages)

is being deposited with the United States Patent and Trademark Office via facsimile no. 571-273-8300 on September 26, 2005.

Rashida Haji
(name of person mailing paper)

Rashida Haji
(signature of person mailing paper)

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed August 24, 2005, having a shortened statutory period for reply set to expire September 24, 2005, subject to extensions of time under 37 C.F.R. §1.136(a).

Applicant believes no fee is necessary to timely file this paper because September 24, 2005, was a Saturday and applicant is submitting this response on the next business day Monday, September 26, 2005. However, should any petition or fee be required for timely filing of this response, Applicant hereby petitions for such Extension of Time and hereby grants authorization to charge Deposit Account No. 14-1447, in the name of Novo Nordisk Inc., for any such required fee.

The examiner states claims numbered 1-52 are pending in the application and claims 1-52 are subject to restriction and/or election requirement. The examiner states restriction to one of the following inventions is required under 35 U.S.C. §121:

Group I: Claims 1-48, in part, drawn to compounds/compositions of formula (I), wherein the heteroaryl of variable X1 represents furyl, thienyl, benzothienyl or benzofuranyl thereof, and X1 is not substituted with heteroaryl, heteroaralkyl, or heteroaralkoxy; the

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heteroarylene of variable X2 represents benzofuranylene thereof;
the heteroaryl of variable X3 represents furyl, thienyl, benzothienyl
or benzofuranyl thereof, and X3 is not substituted with heteroaryl,
heteroaralkyl or heteroaralkoxy.

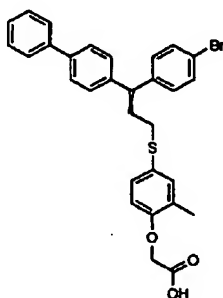
Group II: Claims 1-48, in part drawn to compounds/compositions
of formula (I), containing compounds not encompassed by Group I.

Group III: Claims 49-52, drawn to methods of use of compounds
of formula (I) that is, treating diabetes.

In response to the restriction requirement, Applicant hereby elects the invention of
Group II: Claims 1-48, in part drawn to compounds/compositions of formula (I), containing
compounds not encompassed by Group I.

Further, for examination purposes only, Applicant elects the compound of Example 1,
found on page 37, line 23 of the specification as originally filed:

(E/Z) {4-[3-Biphenyl-4-yl-3-(4-bromo-phenyl)-allylsulfanyl]-phenoxy}-acetic acid:



Applicant reserves the right to file continuing or divisional applications directed to
non-elected and/or cancelled subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are
any questions concerning this response or application.

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Respectfully submitted,



Date: September 26, 2005

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